

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM FOR EXPRESSION OF GENES IN PLANTS**

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

\_\_\_ is attached hereto.

X was filed on February 3, 2004 as Application Serial No. 10/770,600 and amended on \_\_\_\_\_ (if applicable).

\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	FILING DATE	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed

in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	FILING DATE	STATUS
PCT/US04/03169	February 3, 2004	Pending

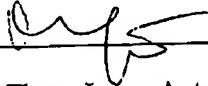
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/444,615	February 3, 2003	Expired

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of inventor Oleg Fedorkin

Inventor's Signature  Date 8/26/2004

Residence 201 Thorn Lane, Apt. 2, Newark, Delaware 19711

Citizenship Russian

Post Office Address Same as above

Full name of inventor Shailaja Rabindran

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 347 Matthew Flocco Drive, Newark, DE, 19713

Citizenship U.S.A.

Post Office Address Same as above

Full name of inventor Vidadi Yusibov

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 1808 Manor Road, Havertown, Pennsylvania 19083

Citizenship U.S.A.

Post Office Address Same as above

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Declaration



Full name of inventor Shailaja Rabindran  
Inventor's Signature S. Rabindran Date 7/20/04  
Residence 347 Matthew Flocco Drive, Newark, DE, 19713  
Citizenship U.S.A.  
Post Office Address Same as above

Full name of inventor Vidadi Yusibov  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 1808 Manor Road, Havertown, Pennsylvania 19083  
Citizenship U.S.A.  
Post Office Address Same as above

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APPLICATION NUMBER	FILING DATE	STATUS

PCT APPLICATION NUMBER	FILING DATE	STATUS
PCT/US04/03169	February 3, 2004	Pending

APPLICATION NUMBER	FILING DATE	STATUS
60/444,615	February 3, 2003	Expired

Full name of inventor	Oleg Fedorkin
Inventor's Signature	Date
Residence	900-1A GreyStone Lane, Newark, Delaware 19711
Citizenship	Russian
Post Office Address	Same as above



Full name of inventor

Shailaja Rabindran

Inventor's Signature

Date

Residence

1702 Sheldon Drive, Newark, Delaware, 19711

Citizenship

U.S.A.

Post Office Address

Same as above

Full name of inventor

Vidadi Yusibov

Inventor's Signature

Date

7/20/04

Residence

1808 Manor Road, Havertown, Pennsylvania 19083

Citizenship

U.S.A.

Post Office Address

Same as above



**ATTORNEY'S DOCKET NUMBER: 2002645-0021**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fedorkin, et al. Examiner:  
Serial Number: 10/770,600 Art Unit: 1636  
Filed: February 3, 2004  
Title: "System for Expression of Genes in Plants"

MAIL STOP: MISSING PARTS  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

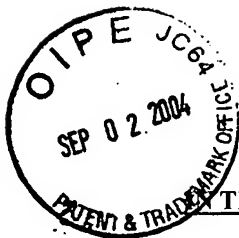
**APPOINTMENT OF ATTORNEY**

On behalf of FRAUNHOFER USA INC., having an address at 46025 Port Street, Plymouth, Michigan 48170, the undersigned hereby appoints the practitioners associated with Customer Number 24280 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

Respectfully submitted,

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Name: W. F. Hartman  
Title: Vice President  
Date: August 2, 2004



ATTORNEY'S DOCKET NUMBER: 2002645-0021  
**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fedorkin, et al. Examiner:  
Serial Number: 10/770,600 Art Unit: 1636  
Filed: February 3, 2004  
Title: "System for Expression of Genes in Plants"

MAIL STOP: MISSING PARTS  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR § 3.73(b))**

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Oleg Fedorkin	Fraunhofer USA Inc.
Shailaja Rabindran	Fraunhofer USA Inc.
Vidadi Yusibov	Fraunhofer USA Inc.

Thus, the Assignee of the inventors' entire right, title, and interest are:

**Fraunhofer USA Inc.**

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

\_\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents are attached).

**STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u>W. F. Hartman</u> Name: <u>W. F. Hartman</u> Title: <u>Vice President</u>	Fraunhofer USA Inc.	<u>Aug 2, 2004</u>

3707215\_1.DOC

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Oleg Fedorkin** of Newark, Delaware, **Shailaja Rabindran** of Newark, Delaware and **Vidadi Yusibov** of Havertown, Pennsylvania, hereby

Sell, assign and transfer to **Fraunhofer USA, Inc.**, having a place of business at **46025 Port Street, Plymouth, Michigan 48170**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **February 3, 2004, Serial No. 10/770,600** entitled **"SYSTEM FOR EXPRESSION OF GENES IN PLANTS"** and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reexamination, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to them relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by them, and that full right to convey the same as herein expressed is possessed by them.

IN WITNESS WHEREOF, I hereto set my hand and seal at NEWARK NJ,  
this 20<sup>th</sup> day of July, 2004

[Signature]  
Oleg Fedorkin

STATE OF D  
COUNTY OF New Castle SS.

On this 20 day of July, 2004, before me, the undersigned notary public, personally appeared **Oleg Fedorkin**, proved to me through satisfactory evidence of identification, which were Delic #142172, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

[Signature]  
NOTARY PUBLIC  
KELLY J. BOGUSH, Notary Public  
NEW CASTLE COUNTY, DELAWARE  
My Commission Expires: 3/1/05

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at NEWARK NJ,  
this 20<sup>th</sup> day of July, 2004

S. Rabindran  
Shailaja Rabindran

STATE OF D  
COUNTY OF New Castle SS.

On this 20 day of July, 2004, before me, the undersigned notary public, personally appeared **Shailaja Rabindran**, proved to me through satisfactory evidence of identification, which were Delic #1389115, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

[Signature]  
NOTARY PUBLIC  
KELLY J. BOGUSH, Notary Public  
NEW CASTLE COUNTY, DELAWARE  
My Commission Expires: 3/1/05

[Notary's Seal Here]

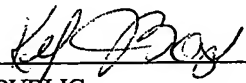
IN WITNESS WHEREOF, I hereto set my hand and seal at Newark NJ,

this 20<sup>th</sup> day of July, 2004

  
Vidadi Yusibov

STATE OF NJ  
COUNTY OF New Castle SS.

On this 20 day of July, 2004, before me, the undersigned notary public, personally appeared **Vidadi Yusibov**, proved to me through satisfactory evidence of identification, which were PA ID Lic #25088646, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

  
NOTARY PUBLIC  
KELLY J. BOQUERON, Notary Public  
NEW CASTLE COUNTY, DELAWARE  
My Commission Expires: 3/1/10

[Notary's Seal Here]



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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

WRITTEN ASSERTION OF SMALL ENTITY STATUS  
UNDER 37 CFR §1.27(a)(3)  
NON-PROFIT ORGANIZATION

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of Fraunhofer USA Inc.

This assertion is made on the ground that Fraunhofer USA Inc.

is either:

- (a) a university or other institution of higher education located in any country;
- (b) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));
- (c) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or
- (d) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted, *W. F. Hartman*

Print Name: W. F. Hartman

Title: Vice President

On behalf of Fraunhofer USA Inc.

Dated: \_\_\_\_\_